

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USCA Docket Number:

USDC Docket Number : 04-cv-11825

G. David Iverson, et al

v.

The City of Boston

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**CLERK'S CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/4/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on November 9, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 11/9/05

  
Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-11825-NMG**

Iverson et al v. City of Boston, Massachusetts  
Assigned to: Judge Nathaniel M. Gorton  
Cause: 42:1218(2) Americans with Disabilities Act

Date Filed: 08/20/2004  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**G. David Iverson**

represented by **Nicholas S. Guerrero**  
Shaheen Guerrero & O'Leary, LLC  
Jefferson Office Park  
820A Turnpike Street  
North Andover, MA 01845  
978-689-0800  
Fax: 978-794-0890  
Email: nguerrera@sgolawoffice.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Access With Success, Inc.**



represented by **Nicholas S. Guerrero**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**City of Boston, Massachusetts**

represented by **Kathryn Rebecca Cook**  
City of Boston, Law Department  
City Hall, room 615  
Boston, MA 02201  
617-635-4022  
Fax: 617-635-3199  
Email: kate.cook@cityofboston.gov  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/20/2004	 1	COMPLAINT Filing fee: \$ 150, receipt number 58128, filed by Access With Success, Inc., G. David Iverson.(Smith3, Dianne) (Entered: 08/26/2004)
	 2	

08/20/2004		Summons Issued as to City of Boston, Massachusetts. (Smith3, Dianne) (Entered: 08/26/2004)
08/20/2004	2	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Smith3, Dianne) (Entered: 08/26/2004)
08/20/2004	2	Document disclosure by Access With Success, Inc., G. David Iverson. (Smith3, Dianne) (Entered: 08/26/2004)
09/29/2004	3	SUMMONS Returned Executed City of Boston, Massachusetts served on 9/13/2004, answer due 10/4/2004. (Barrette, Mark) (Entered: 10/04/2004)
10/05/2004	4	MOTION for Extension of Time to 10/26/04 to File Responsive Pleadings by City of Boston, Massachusetts.(Cook, Kathryn) (Entered: 10/05/2004)
10/25/2004	5	MOTION to Dismiss <i>and Accompanying Memorandum of Law</i> by City of Boston, Massachusetts.(Cook, Kathryn) (Entered: 10/25/2004)
10/25/2004	6	CERTIFICATE OF CONSULTATION re <u>5</u> MOTION to Dismiss <i>and Accompanying Memorandum of Law</i> by Kathryn Rebecca Cook on behalf of City of Boston, Massachusetts. (Cook, Kathryn) (Entered: 10/25/2004)
11/09/2004	7	Assented to MOTION for Extension of Time to 11/19/04 to File Response/Reply to <i>Defendant's Motion to Dismiss</i> by Access With Success, Inc..(Guerrera, Nicholas) (Entered: 11/09/2004)
11/18/2004	8	Second MOTION for Extension of Time to 11/30/04 to In Which To Respond to Defendant's Motion to Dismiss by Access With Success, Inc.. (Guerrera, Nicholas) (Entered: 11/18/2004)
11/18/2004	9	Assented to- MOTION to Amend <u>8</u> Second MOTION for Extension of Time to 11/30/04 to In Which To Respond to Defendant's Motion to Dismiss by Access With Success, Inc..(Guerrera, Nicholas) (Entered: 11/18/2004)
12/01/2004	10	Third MOTION for Extension of Time to 12/7/04 to File Response/Reply as to <u>5</u> MOTION to Dismiss <i>and Accompanying Memorandum of Law</i> by Access With Success, Inc..(Guerrera, Nicholas) (Entered: 12/01/2004)
12/06/2004	11	Opposition re <u>5</u> MOTION to Dismiss <i>and Accompanying Memorandum of Law</i> filed by Access With Success, Inc.. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> ) (Guerrera, Nicholas) (Entered: 12/06/2004)
12/07/2004		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>4</u> Motion for Extension of Time, granting <u>7</u> Motion for Extension of Time to File Response/Reply, granting <u>8</u> Motion for Extension of Time, granting <u>9</u> Motion to Amend, granting <u>10</u> Motion for Extension of Time to File Response/Reply (Nicewicz, Craig) (Entered: 12/07/2004)
12/08/2004	13	Opposition re <u>5</u> MOTION to Dismiss and in the Alternative, Their Cross-Motion for Leave to Amend Complaint <i>and Accompanying Memorandum</i>



		<i>of Law</i> filed by Access With Success, Inc., G. David Iverson. (Barrette, Mark) (Entered: 12/15/2004)
12/08/2004	<u>14</u>	AFFIDAVIT of Peter A. Spalluto in Support re <u>13</u> Opposition to Motion. (Barrette, Mark) (Entered: 12/15/2004)
12/08/2004	<u>15</u>	AFFIDAVIT of G.David Iverson in Support re <u>13</u> Opposition to Motion. (Barrette, Mark) (Entered: 12/15/2004)
12/08/2004	<u>16</u>	MEMORANDUM OF LAW by Access With Success, Inc., G. David Iverson In Support re <u>13</u> Opposition to Motion. (Barrette, Mark) (Entered: 12/15/2004)
12/13/2004	<u>12</u>	First MOTION for Leave to File <i>A Reply to Plaintiffs' Opposition to Defendant's Motion to Dismiss</i> by City of Boston, Massachusetts. (Attachments: # <u>1</u> Reply Brief)(Cook, Kathryn) (Entered: 12/13/2004)
01/10/2005	<u>17</u>	MOTION for Leave to File <i>A Brief In Reply to Defendant's Reply Brief</i> by Access With Success, Inc..(Guerrera, Nicholas) (Entered: 01/10/2005)
01/11/2005	<u>18</u>	CERTIFICATE OF CONSULTATION by G. David Iverson, Access With Success, Inc.. (Barrette, Mark) (Entered: 01/20/2005)
01/31/2005	<u>19</u>	MOTION to Compel <i>Defendant to Respond to Plaintiff's Interrogatories</i> by Access With Success, Inc..(Guerrera, Nicholas) (Entered: 01/31/2005)
01/31/2005	<u>20</u>	MEMORANDUM in Support re <u>19</u> MOTION to Compel <i>Defendant to Respond to Plaintiff's Interrogatories</i> filed by Access With Success, Inc.. (Guerrera, Nicholas) (Entered: 01/31/2005)
01/31/2005	<u>21</u>	Opposition re <u>19</u> MOTION to Compel <i>Defendant to Respond to Plaintiff's Interrogatories</i> filed by City of Boston, Massachusetts. (Cook, Kathryn) (Entered: 01/31/2005)
02/01/2005		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>12</u> Motion for Leave to File, granting <u>17</u> Motion for Leave to File (Nicewicz, Craig) (Entered: 02/01/2005)
02/01/2005	<u>23</u>	MOTION to Compel Responses to His First Interrogatories by G. David Iverson.(Barrette, Mark) (Entered: 02/02/2005)
02/01/2005	<u>25</u>	MEMORANDUM in Support re <u>23</u> MOTION to Compel filed by G. David Iverson. (Barrette, Mark) (Entered: 02/03/2005)
02/02/2005	<u>22</u>	MOTION to Stay <i>Discovery</i> by City of Boston, Massachusetts.(Cook, Kathryn) (Entered: 02/02/2005)
02/03/2005	<u>24</u>	First Interrogatories by G. David Iverson. (Barrette, Mark) (Entered: 02/03/2005)
02/14/2005	<u>26</u>	Opposition re <u>22</u> MOTION to Stay <i>Discovery Pending the Court's Ruling on the City's Motion to Dismiss</i> filed by Access With Success, Inc.. (Guerrera, Nicholas) (Entered: 02/14/2005)
04/19/2005	<u>27</u>	NOTICE of Scheduling Conference Scheduling Conference set for

		5/19/2005 04:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 04/19/2005)
05/05/2005	●	NOTICE OF RESCHEDULING Scheduling Conference reset for 6/24/2005 02:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. The previous date of 5/19/05 has been cancelled.(Nicewicz, Craig) (Entered: 05/05/2005)
06/21/2005	●28	JOINT STATEMENT re scheduling conference. (Cook, Kathryn) (Entered: 06/21/2005)
06/28/2005	●29	Judge Nathaniel M. Gorton : ORDER entered granting 5 Motion to Dismiss. "Counts I and II of the complaint are dismissed with prejudice and Count III is dismissed without prejudice to refile after administrative remedies have been exhausted." (Elefther, Elizabeth) (Entered: 06/28/2005)
07/06/2005	●30	MOTION to Alter Judgment or Amend Judgement - Fed. R. Civ. P. 59 (e) by Access With Success, Inc.. (Attachments: # (1))(Guerrera, Nicholas) (Entered: 07/06/2005)
07/07/2005	●31	MEMORANDUM in Support re 30 MOTION to Alter Judgment or Amend Judgement - Fed. R. Civ. P. 59 (e) filed by G. David Iverson, Access With Success, Inc.. (Elefther, Elizabeth) (Entered: 07/08/2005)
07/08/2005	●	Notice of correction to docket made by Court staff. Correction: Deleted Attachment to Docket No. 30 corrected because: Memorandum should not be attached to Motion, docketed as seperate event Docket No. 31 (Elefther, Elizabeth) Modified on 10/26/2005 (Elefther, Elizabeth). (Entered: 07/08/2005)
07/11/2005	●32	Opposition re 30 MOTION to Alter Judgment or Amend Judgement - Fed. R. Civ. P. 59 (e) filed by City of Boston, Massachusetts. (Cook, Kathryn) (Entered: 07/11/2005)
10/25/2005	●	Judge Nathaniel M. Gorton : ElectronicORDER entered denying 30 Motion to Alter Judgment. Motion denied; the Clerk shall enter judgment consistant with the Court's Memorandum & Order (docket no. 29) entered June 28, 2005. (Nicewicz, Craig) (Entered: 10/26/2005)
10/25/2005	●33	Judge Nathaniel M. Gorton : ORDER entered. JUDGMENT in favor of Defendant (Nicewicz, Craig) (Entered: 10/26/2005)
11/04/2005	●34	NOTICE OF APPEAL by G. David Iverson, Access With Success, Inc.. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerk/transcript.htm">http://www.ca1.uscourts.gov/clerk/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/25/2005. (Elefther, Elizabeth) (Entered: 11/04/2005)
11/04/2005	●	Filing fee: \$ 255, receipt number 67983 regarding Notice of Appeal (Elefther, Elizabeth) (Entered: 11/04/2005)